

**Objection Deadline: November 9, 2010 at 5:00 p.m.**  
**Hearing Date: November 16, 2010 at 2:00 p.m.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re:**

**CIRCUIT CITY STORES, INC., ET AL.,**

### Debtors.

**Case No. 08-35653**

## Chapter 11

## Jointly Administered

## NOTICE OF MOTION AND HEARING

**PLEASE TAKE NOTICE** that Marblegate Asset Management, LLC (the “Movant”), by counsel, has filed a Motion for Allowance and Payment of Administrative Expense Claim (the “Motion”). A true and complete copy of the Motion has been filed and served electronically using the Bankruptcy Court’s CM/ECF System contemporaneously herewith.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then you or your attorney must:

1. File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your written response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before **November 9, 2010**:

Robert S. Westermann, VSB No. 43294  
Sheila deLa Cruz, VSB No. 65395  
Hirschler Fleischer, P.C.  
2100 East Cary Street  
The Edgeworth Building  
Richmond, Virginia 23223  
Telephone: (804) 771-9500  
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Christopher A. Provost, Esq.  
Jason M. Rudd, Esq.  
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620 Eighth Avenue, 39th Floor  
New York, New York 10018  
Telephone: (212) 430-5400  
Facsimile: (212) 430-5499

Counsel for Marblegate Asset Management, LLC

William C. Redden, Clerk  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, Virginia 23219-1888

You must also deliver a copy of your response to all parties on the Certificate of Service below and to:

Robert S. Westermann, Esq.  
Hirschler Fleischer, P.C.  
2100 East Cary Street  
The Edgeworth Building  
Richmond, Virginia 23223

2. Attend the hearing scheduled for **November 16, 2010 at 2:00 p.m.** before The Honorable Kevin R. Huennekens, in Courtroom 5000, United States Bankruptcy Court, 701 East Broad Street, Richmond, Virginia 23219.

In accordance with Local Bankruptcy Rule 9013-1, unless a written response to the Motion is filed with the Clerk of Court and served as set forth herein, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing.

Date: October 18, 2010

MARBLEGATE ASSET MANAGEMENT, LLC

By: /s/ Robert S. Westermann  
Counsel

Robert S. Westermann, VSB No. 43294  
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Facsimile: (212) 430-5499

Counsel for Marblegate Asset Management, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2010, a true and complete copy of the foregoing Notice was filed and served electronically using the Bankruptcy Court's CM/ECF System and was sent by first class mail, postage prepaid, to the parties below at the addresses indicated:

Douglas M. Foley, Esq.  
McGuireWoods LLP  
One James Center  
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Counsel for the Debtors

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Counsel for the Official Committee of Unsecured Creditors

Robert B. Van Arsdale, Esq.  
Office of the United States Trustee  
701 East Broad Street, Suite 4304  
Richmond, Virginia 23219

/s/ Robert S. Westermann